

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF WATER QUALITY  
DECEMBER 3, 2019**

**ITEM 2**

**SUBJECT**

CONSIDERATION OF A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO PROVIDE A CLEAN WATER ACT SECTION 319(H) (CWA 319) GRANT TO THE REGENTS OF THE UNIVERSITY OF CALIFORNIA-DAVIS FOR DEVELOPMENT OF A TOOL TO EVALUATE GROUNDWATER IMPACTS FROM NONPOINT SOURCES ASSOCIATED WITH AGRICULTURAL LAND USE (PROJECT)

**DISCUSSION**

On June 2, 2015, the State Water Resources Control Board (State Water Board) adopted [Resolution No. 2015-0037](#) authorizing the Executive Director to apply for, accept, and/or amend a Federal Fiscal Year (FFY) 2015 CWA 319 grant from the United States Environmental Protection Agency (U.S. EPA); to execute and amend contracts and grants to implement nonpoint source project proposals previously approved by the Executive Director; and to negotiate and approve program workplans.

A portion of the FFY 2015 CWA 319 grant funds have become available due to underspending and must be encumbered and liquidated by June 30, 2020. The Groundwater Branch of the Division of Water Quality has been working with the University of California-Davis on the Project. The Project will develop a computational modeling tool to analyze nitrate discharges from agricultural land into the Central Valley aquifer system. An online version of the tool will allow users to rapidly assess potential groundwater quality improvements associated with changes in nonpoint source loading of nitrate, including crop type.

This action requires State Water Board authorization because the Project was not among the projects approved prior to the State Water Board's adoption of Resolution No. 2015-0037, the Project is being funded outside the annual competitive solicitation for the 2015 CWA 319 grant funds, and the Project does not meet all of the minimum eligibility requirements of the 2020 Nonpoint Source Grant Program Guidelines (2020 Guidelines). Despite these considerations, the Project is otherwise eligible for CWA 319 funding.

The Project does not meet all of the minimum eligibility requirements of the 2020 Guidelines because it is a planning project, and the 2020 Guidelines are for projects that implement on-the-ground activities to reduce nonpoint source pollutant loads (i.e., implementation projects). The minimum eligibility requirements that the Project does not meet include the requirements to show pollutant load reductions, to implement a watershed-based plan, to provide 25% funding match, to implement management measures and/or management practices that reduce nonpoint source pollutant loads to

surface waters and groundwater, and to implement a total maximum daily load (TMDL) or TMDL alternative.

The Project meets the Program Preferences contained in the 2020 Guidelines approved by the State Water Board on September 17, 2019. The United States Environmental Protection Agency (U.S.EPA) allows states to spend 50% of their CWA 319 grants on planning (or program) work, recognizing that planning projects provide foundational information for watershed-based plans and future implementation projects. U.S. EPA is supportive of the Project. The Project also supports the objectives of the Central Valley Regional Water Quality Control Board and State Water Board to reduce nitrate loading in groundwater, specifically the priorities of the Central Valley-wide Salt and Nitrate Management Plan and State Water Board [Water Quality Order 2018-0002](#), In the Matter of Review of Waste Discharge Requirements General Order No. R5-2012-0116 for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group Issued by the California Regional Water Quality Control Board, Central Valley Region.

## **POLICY ISSUE**

None

## **FISCAL IMPACT**

The CWA 319(h) grant is adequate to accommodate the anticipated level of funding.

## **REGIONAL BOARD IMPACT**

The CWA 391(h) grant is adequate to accommodate the anticipated level of funding.

## **STAFF RECOMMENDATION**

The State Water Board should:

1. Authorize the Executive Director or designee to enter into an agreement for the Project with the Regents of the University of California-Davis to provide a CWA 319 grant of no more than \$140,000.
2. Waive minimum eligibility requirements described in the 2020 Nonpoint Source Grant Program Guidelines for the Project, so long as the Project remains eligible for CWA 319 funding under all other applicable state and federal requirements.